

**MINUTE**  
**of**  
**LICENSING COMMITTEE**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 10 September 2019.**

**Present:**

Councillor Angela Convery (Chair)  
Councillor Betty Cunningham (Vice-Chair)

Councillor Charlie Gilbert  
Councillor Stewart Miller

Councillor Convery in the Chair

**Attending:**

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; and Ron Leitch, Committee Services Officer.

**Also Attending:**

Sergeants Scott Brown and Lisa Millar, Police Scotland.

**Apology:**

Councillor Alan Lafferty.

**DECLARATIONS OF INTEREST**

**1004.** There were no declarations of interest intimated.

**Resolution to Exclude Press and Public**

At this point in the meeting, on the motion of the Chair, the committee unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the undernoted items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

**Variation in Order of Business**

In accordance with Standing Order 19, Councillor Convery agreed to vary the order of business as printed on the agenda in order to facilitate the conduct of the meeting.

### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**1005.** The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 3 refers).

The applicant was present accompanied by his solicitor Mr O'Donnell.

Sergeants Brown and Millar representing the Chief Constable, who had made an objection in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

The applicant's solicitor was then heard in respect of the application and in response to questions from Members.

The committee, having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application be granted for a period of 12 months subject to standard terms and conditions.

### **TAXI DRIVER'S LICENCE – REQUEST FOR SUSPENSION**

**1006.** The committee considered a report by the Chief Officer (Legal & Procurement) in relation to a request for the suspension of a Taxi Driver's Licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of such a licence by virtue of the circumstances outlined in the letter from the Chief Constable (Agenda Item 9 refers).

The licence holder was present.

Sergeants Brown and Millar, representing the Chief Constable who had made the request, were also present.

Sergeant Brown was heard in respect of the request submitted by the Chief Constable and in response to questions from Members.

The licence holder was then heard in respect of the request and in response to questions from Members.

Having fully discussed the circumstances, the committee agreed not to suspend the licence in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 pending the outcome of the forthcoming court case.

The licence holder was reminded of his obligation under the terms and conditions of the licence to immediately advise the Council if he was later found guilty of any offence in court.

## **PRIVATE HIRE CAR OPERATOR'S LICENCE – APPLICATION FOR RENEWAL**

**1007.** The committee considered a report by the Chief Officer (Legal & Procurement) in relation to an application for the renewal of a Private Hire Car Operator's Licence (Agenda Item 11 refers).

The licence holder was present.

Sergeants Brown and Millar, representing the Chief Constable who had made an objection in respect of the application, were also present.

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

The licence holder was then heard in respect of the application and in response to questions from Members.

Having fully discussed the circumstances, and also having taken account of the objection by the Chief Constable, the committee agreed to renew the licence for a period of 36 months subject to standard terms and conditions.

The licence holder was reminded of his obligation under the terms and conditions of the licence to immediately advise the Council if he was later found guilty of any offence in court.

## **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**1008.** The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 8 refers).

The applicant was present accompanied by his solicitor Mr Mitchell.

Sergeants Brown and Millar, representing the Chief Constable who had made a representation in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Brown was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

The applicant's solicitor was then heard in respect of the application and in response to questions from Members.

The committee agreed to a short adjournment to consider the matter.

On reconvening, the committee, having taken account of the applicant's previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his previous convictions.

### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**1009.** The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 7 refers).

The applicant was present.

Sergeants Brown and Millar representing the Chief Constable who had made a representation in respect of the application were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Brown was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions from Members.

The committee, having fully discussed the matter, and also having taken account of the representation by the Chief Constable, agreed that consideration of the application be deferred for a period of 6 months or until the conclusion of possible pending court action, whichever is the sooner.

### **PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR SUSPENSION**

**1010.** The committee considered a report by the Chief Officer (Legal & Procurement) in relation to a request for the suspension of a Private Hire Car Driver's Licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of such a licence by virtue of the circumstances outlined in the report prepared by the Civic Government Enforcement Officer following receipt of a complaint against the licence holder by a member of the public (Agenda Item 10 refers).

The licence holder was present accompanied by his solicitor Mr Mitchell.

The Civic Government Enforcement Officer, who had made the request, was also present.

The applicant advised that he had not received the report prepared by the Civic Government Enforcement Officer and was not clear why he was required to attend the meeting, notwithstanding the fact that he had been interviewed by the Civic Government Enforcement Officer in relation to the complaint.

Thereafter, the committee agreed to defer consideration of the request to the next meeting in order to allow time for the licence holder's solicitor to be provided with a copy of the report and to prepare a case on behalf of his client.

### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**1011.** The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 4 refers).

The applicant, having been invited to attend, was not present.

Sergeants Brown and Millar, representing the Chief Constable who had made an objection in respect of the application, were present.

The committee agreed to defer consideration of the application to the next meeting to allow the applicant to make a personal appearance. In the event that the applicant again failed to appear the committee would proceed to determine the application in his absence.

#### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**1012.** The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers).

The applicant, having been invited to attend, was not present.

Sergeants Brown and Millar, representing the Chief Constable who had made an objection in respect of the application were present.

The committee agreed to defer consideration of the application to the next meeting to allow the applicant to make a personal appearance. In the event that the applicant again failed to appear the committee would proceed to determine the application in his absence.

#### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**1013.** The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 6 refers).

The applicant, having been invited, was not present.

Sergeants Brown and Millar, representing the Chief Constable who had made a representation in respect of the application, were present.

The committee agreed to defer consideration of the application to the next meeting to allow the applicant to make a personal appearance. In the event that the applicant again failed to appear the committee would proceed to determine the application in his absence.

CHAIR

